

## RESOLUTION NO. A-\_\_\_\_\_

## USE PERMIT NO. 94B

1 WHEREAS, St. Elizabeth Community Health Center has submitted an  
2 application in accordance with Section 27.31.100 of the Lincoln Municipal Code  
3 designated as Use Permit No. 94B for authority to expand the boundary of Use Permit  
4 No. 94A, increase the total allowed square footage of floor area from 45,000 sq. ft. to  
5 47,000 sq. ft. to allow construction of a medical office building and to reduce the front  
6 yard setback along N. 26th Street from 50' to 20', on property generally located south of  
7 Kensington Drive and west of North 26th Street, and legally described to wit:

8 Lots 1 through 3 and Outlot "A", Block 2, Elizabeth Park  
9 North Addition in the Southeast Quarter of Section 1,  
10 Township 10 North, Range 6 East, Lincoln, Lancaster  
11 County, Nebraska;

12 WHEREAS, the real property adjacent to the area included within the site  
13 plan for this medical office building will not be adversely affected; and

14 WHEREAS, said site plan together with the terms and conditions  
15 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln  
16 Municipal Code to promote the public health, safety, and general welfare.

17 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
18 Lincoln, Nebraska:

19 That the application of St. Elizabeth Community Health Center,  
20 hereinafter referred to as "Permittee", to expand the boundary of Use Permit No. 94A,  
21 increase the total allowed square footage of floor area from 45,000 sq. ft. to 47,000 sq.  
22 ft. to allow construction of a medical office building and to reduce the front yard setback

1 along N. 26th Street from 50' to 20', on the property legally described above be and the  
2 same is hereby granted under the provisions of Section 27.31.100 of the Lincoln  
3 Municipal Code upon condition that construction and operation of said office building be  
4 in strict compliance with said application, the site plan, and the following additional  
5 express terms, conditions, and requirements:

6 1. This permit approves a total of 47,000 square feet of floor area and  
7 a reduction in the front yard setback along N. 26th Street from 50' to 20'.

8 2. Before receiving building permits:

9 a. The Permittee must complete the following instructions and  
10 submit the documents and plans to the Planning Department  
11 for review and approval:

12 i. A revised site plan showing the following revisions:

13 (1) Correct the typo in the "Existing Use Permit  
14 Legal Description".

15 (2) Combine the legal description into one  
16 description.

17 (3) Provide a wall constructed of materials similar  
18 to the building of a height and length to screen  
19 the drive thru and a 60% landscape screen  
20 from 0' to 10' along the west property line as it  
21 abuts the O-3 district. A note may fulfill this  
22 requirement stating that the landscape plan will  
23 be reviewed with the building permit.

24 ii. A permanent reproducible final site plan as approved.

1                               iii.     Revise the grading and drainage plan to maximize the  
2   drainage area flowing to N. 26th Street to the  
3   satisfaction of Public Works and Utilities Department.

4                               b.     The construction plans must conform to the approved plans.

5                               c.     The required easements as shown on the site plan must be  
6   recorded with the Register of Deeds.

7                               b.     The construction plans must conform to the approved plans.

8                               3.     Before occupying this medical office/retail center all development  
9   and construction must be completed in conformance with the approved plans.

10                              4.     All privately-owned improvements, including landscaping and  
11   recreational facilities, shall be permanently maintained by the owner or an appropriately  
12   established homeowners association approved by the City.

13                              5.     The terms, conditions, and requirements of this resolution shall be  
14   binding and obligatory upon the Permittee, its successors and assigns. The building  
15   official shall report violations to the City Council which may revoke this use permit or  
16   take such other action as may be necessary to gain compliance.

17                              6.     The site plan accompanying this permit, approved by the City  
18   Council, represents the official approved permit and shall be the basis for all  
19   interpretations of setbacks, yards, locations of buildings, location of parking and  
20   circulation elements, etc.

21                              7.     The Permittee shall sign and return the City's letter of acceptance  
22   to the City Clerk within 30 days following approval of this use permit, provided, however,  
23   said 30-day period may be extended up to six months by administrative amendment.  
24   The City Clerk shall file a copy of the resolution approving this use permit and the letter

1 of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by  
2 the Permittee.

3 8. The site plan as approved with this resolution voids and  
4 supersedes all previously approved site plans, however, all resolutions approving  
5 previous permits remain in force unless specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2004:

\_\_\_\_\_  
Mayor